

BEFORE THE
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC COOPERATIVE, INC.) DOCKET NO.
-vs-) 05-0767
ILLINOIS POWER COMPANY d/b/a AmerenIP)
)
Complaint under the Electric Supplier)
Act.)

Springfield, Illinois
January 8, 2008

Met, pursuant to notice, at 10:00 A.M.

BEFORE :

MR. LARRY JONES, Administrative Law Judge

APPEARANCES :

MR. JERRY TICE
Attorney at Law
Grosboll, Becker, Tice & Reif
101 East Douglas
Petersburg, Illinois 62675

(Appearing on behalf of Tri-County
Electric Cooperative, Inc.)

MR. ELIOTT M. HEDIN
Brown, Hay & Stephens
205 South Fifth Street
Suite 700
Springfield, Illinois 62701

(Appearing on behalf of AmerenIP)

SULLIVAN REPORTING COMPANY, by
Cheryl A. Davis, Reporter, CSR License #084-001662

1	I N D E X			
2	WITNESSES	DIRECT	CROSS	REDIRECT RECROSS
3	(None)			
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13	EXHIBITS	MARKED	ADMITTED	
14	(None)			
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1 PROCEEDINGS

2 JUDGE JONES: On the record. Good morning. I
3 call for hearing Docket Number 05-0767. This is
4 titled Tri-County Electric Cooperative, Inc. Versus
5 Illinois Power Company, d/b/a AmerenIP, complaint
6 under the Electric Supplier Act.

7 At this time may we have the appearances
8 orally for the record, first on behalf of Tri-County
9 Electric Cooperative.

10 MR. TICE: Jerry Tice, Attorney at Law, 101
11 East Douglas, Petersburg, Illinois, appearing on
12 behalf of Tri-County Elective Cooperative,
13 Incorporated. My phone number is 217/632-2282.

14 JUDGE JONES: Thank you.

15 Illinois Power Company.

16 MR. HEDIN: Elliott Hedin, on behalf of Illinois
17 Power Company, doing business as AmerenIP, 205 South
18 Fifth Street, Suite 700, Springfield, Illinois 62705.
19 My telephone number is 217/544-8491.

20 JUDGE JONES: Thank you.

21 Are there any other appearances? Let the
22 record show there are not.

1 It's my understanding the parties are
2 about to propose some scheduling to be implemented.
3 Is that correct?

4 MR. HEDIN: That's correct, Judge Jones. We
5 have recently taken the deposition of Tri County's
6 expert, Bob Dew, and there's one deposition left to
7 take prior to at least from our perspective filing a
8 motion for summary judgment, and that individual's
9 name is Don Forney. We think we can take the
10 deposition in the next two weeks. Mr. Tice and I
11 have discussed that off the record, and we think it
12 can take place, so upon completion of that we would
13 -- at least I envision a situation where we have
14 set deadlines for filing a motion for summary
15 judgment. Is that correct?

16 MR. TICE: Yes. Both parties I think will file
17 cross motions for summary judgment, Judge. It's just
18 a matter of setting up a schedule. I don't know how
19 long it will take to get the transcript back on this
20 second deposition that IP wants to take. Assuming
21 it's set up next week, you're probably looking at at
22

1 least two weeks to three weeks before you get that
2 back from the court reporter would be my guess. I
3 don't know. It's hard to tell, so.

4 I would say cross motions for summary
5 judgment to be filed by -- oh, this is a leap year,
6 isn't it? We have 29 days in February. That's a
7 Friday. February 29th is a Friday. I would say file
8 cross motions by Friday, February 29th, and I suppose
9 replies -- I think there ought to be thirty days to
10 reply, so that would be -- the 31st is on a Monday.
11 March 31st is a Monday. I would suggest that day for
12 replies and two weeks later for any further follow-up
13 reply which would be April 14th. That's not a good
14 day. April 18th.

15 JUDGE JONES: Thank you.

16 Are those dates acceptable?

17 MR. HEDIN: They are.

18 JUDGE JONES: So the cross motions will be due
19 February 29th, responses thereto March 31, and
20 replies to responses April 18th.

21 What do the parties propose happen after
22 that?

1 MR. TICE: Well, I'd assume you'll want a
2 hearing, Judge. That's up to you.

3 JUDGE JONES: Let's go ahead and schedule a
4 hearing date on that. If there's any clarification
5 or ground rules that the parties think are
6 appropriate or that I think would be appropriate,
7 that can be handled between now and then in some
8 appropriate manner. If that's acceptable to the
9 parties, we'll sort of leave some flexibility in
10 there in that regard.

11 In terms of a specific date, since April
12 18th is a Friday, do you then want a hearing date on
13 some convenient date over the next couple weeks?

14 MR. TICE: Pardon? What was this now?

15 JUDGE JONES: It looks like April 18th is a
16 Friday so -- let me back up a minute. Yes, April
17 18th is a Friday. Did you want a hearing date the
18 following week?

19 MR. TICE: Whatever is convenient for you,
20 Judge.

21 MR. HEDIN: Yeah, that would work.

22 MR. TICE: That's all right with me.

1 JUDGE JONES: April 24, is that workable?

2 MR. TICE: That's fine.

3 MR. HEDIN: Uh-huh.

4 MR. TICE: That's workable.

5 JUDGE JONES: Do you want that set in the

6 morning?

7 MR. HEDIN: Sure.

8 MR. TICE: Yes.

9 JUDGE JONES: 9:00 or 10:00?

10 MR. TICE: Probably 10 o'clock.

11 JUDGE JONES: Okay. Anything further regarding

12 the scheduling or any other matters?

13 MR. HEDIN: That's all I have, Judge.

14 MR. TICE: I don't believe so.

15 JUDGE JONES: Okay.

16 MR. TICE: I suppose, Judge, if there's a

17 difficult -- you know, there's always a possibility

18 that -- are you sure that this Mr. Forney is going to

19 consent to the deposition?

20 MR. HEDIN: Yeah.

21 MR. TICE: All right.

22 MR. HEDIN: He's retired.

1 MR. TICE: All right.

2 MR. HEDIN: I think he's looking forward to the
3 interaction.

4 MR. TICE: Okay. Can you get me the amendment
5 to your discovery that tells me what it's all
6 about?

7 MR. HEDIN: Yeah.

8 MR. TICE: And what his information is? I
9 think there should be something in the record that IP
10 will furnish Tri-County by -- can you do it by Friday
11 of this week?

12 MR. HEDIN: That's fine.

13 MR. TICE: By January the 11th Tri-County will
14 -- or IP will supplement their responses to discovery
15 to disclose the name, address of the additional
16 witness, and the substance of his proposed knowledge
17 and/or testimony.

18 JUDGE JONES: Is that agreeable, Mr. Hedin?

19 MR. HEDIN: That is agreeable.

20 JUDGE JONES: Anything else?

21 MR. TICE: Nothing else.

22 MR. HEDIN: Nothing from Ameren.

1 JUDGE JONES: Let the record show that the
2 schedule as outlined above is hereby put into
3 place. In accordance with that there will be a
4 hearing set for April the 10th at 10:00 A.M.

5 In addition to the purposes --

6 MR. HEDIN: April 10th? April 24th.

7 JUDGE JONES: April 24th. The 10 is suppose to
8 be the time. I misspoke. I'll try again. It's
9 April 24th at 10:00 A.M. Thank you.

10 In addition to the purposes noted above,
11 that hearing will be available for further scheduling
12 and other types of prehearing conference purposes.

13 Okay. Do the parties have anything else
14 for the record today?

15 MR. TICE: Nothing for Tri-County.

16 MR. HEDIN: Nothing.

17 JUDGE JONES: They do not. Let the record show
18 today's status hearing is concluded. In accordance
19 with the above scheduling that was adopted, this
20 matter is continued to the hearing date of April 24
21 at 10:00 A.M. Thank you.

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1 MR. HEDIN: Thank you.

2 MR. TICE: Thank you, Judge.

3 (Whereupon the case was continued to
4 April 24, 2008, at 10:00 A.M. in
5 Springfield, Illinois.)

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